

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

FRED MCCLURE, Derivatively on Behalf of)
RUSSELL COMMODITY)
STRATEGIES FUND, RUSSELL) Civil Action No. 1:13-cv-12631
EMERGING MARKETS FUND,)
RUSSELL GLOBAL EQUITY FUND,)
RUSSELL GLOBAL INFRASTRUCTURE)
FUND, RUSSELL GLOBAL)
OPPORTUNISTIC CREDIT FUND,)
RUSSELL INTERNATIONAL)
DEVELOPED MARKETS FUND,)
RUSSELL MULTI-STRATEGY)
ALTERNATIVE FUND, RUSSELL)
STRATEGIC BOND FUND, RUSSELL)
U.S. SMALL CAP EQUITY FUND, and)
RUSSELL GLOBAL REAL ESTATE)
SECURITIES FUND,)

Plaintiff,)

v.)

RUSSELL INVESTMENT MANAGEMENT)
COMPANY,)

Defendant.)

FRED MCCLURE,)

Plaintiff,)

v.)

RUSSELL INVESTMENT MANAGEMENT)
COMPANY and RUSSELL FUND)
SERVICES COMPANY,)

Defendants.)

Civil Action No. 1:14-cv-14358

JOINT MOTION REGARDING CONSOLIDATION

Pursuant to Fed. R. Civ. P. 42 and D. Mass. L. R. 40.1(J), plaintiff Fred McClure (“Plaintiff”), defendant Russell Investment Management Company (“RIMCo”), and defendant Russell Fund Services Company (“RFSC”) (collectively, the “Parties”), through their undersigned counsel, hereby jointly request that:

1. *McClure v. Russell Investment Management Company*, Case No. 1:13-cv-12631-LTS (“*McClure I*”) and *McClure v. Russell Investment Management Company, et al.*, Case No. 1:14-cv-14358 (“*McClure II*”) be consolidated for all purposes (the “Consolidated Action”);

2. Every pleading filed in the Consolidated Action, or in any separate action included herein, bear the following caption:

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE RUSSELL INVESTMENT COMPANY) Lead C.A. No. 1:13-cv-12631-LTS
SHAREHOLDER LITIGATION)
) (Consolidated with No. 1:14-cv-14358-LTS
)

3. The files of the Consolidated Action be maintained in one file under Master File No. 1:13-cv-12631-LTS; and

4. *McClure I* and *McClure II* proceed on the same schedule, and the Parties shall comply with this Court’s Scheduling Order entered on January 8, 2015 (Document 63) subject to any modification subsequently ordered by the Court.

In support of these requests, the Parties state as follows:

1. On October 17, 2013, Plaintiff filed the Verified Complaint in *McClure I* (Document 1) against RIMCo and nominal defendants Russell Commodity Strategies Fund, Russell Emerging Markets Fund, Russell Global Equity Fund, Russell Global Infrastructure Fund, Russell Global Opportunistic Credit Fund, Russell International Developed Markets Fund,

Russell Multi-Strategy Alternative Fund, Russell Strategic Bond Fund, Russell U.S. Small Cap Equity Fund, and Russell Global Real Estate Securities Fund (collectively, the "Funds") alleging that defendant RIMCo violated section 36(b) of the Investment Company Act of 1940, as amended 15 U.S.C. §80a-35(b) ("Section 36(b)") by charging the Funds excessive investment advisory fees.

2. On January 27, 2014, defendant RIMCo filed the Answer to Plaintiff's Complaint (Document 25) in *McClure I*.

3. On December 8, 2014, Plaintiff filed the Verified Complaint in *McClure II* (Document 1) on behalf of the Funds against defendant RIMCo and additional defendant RFSC.

4. On January 30, 2015, defendants RIMCo and RFSC filed their Answer to Plaintiff's Complaint (Document 22) in *McClure II*.

5. Plaintiff identified *McClure II* as related to *McClure I* on the civil cover sheet for *McClure II*.

6. The complaint in *McClure II*, similar to the complaint in *McClure I*, alleges that defendant RIMCo violated Section 36(b) by charging the Funds excessive investment advisory fees. The complaint in *McClure II* further alleges that defendant RFSC violated Section 36(b) by charging the Funds excessive administrative fees.

7. Discovery in *McClure I* and *McClure II* is ongoing.

8. On December 12, 2014, Plaintiff's counsel apprised the Court that counsel would seek consolidation of *McClure I* and *McClure II*.

9. The Parties agree that the Scheduling Order entered by the Court on January 8, 2015 in *McClure I* (Document 63) should apply to both *McClure I* and *McClure II*.

10. The Parties agree that neither the filing of *McClure II* nor the consolidation of *McClure I* and *McClure II* operate as a waiver as to the position of any Party with respect to the appropriate damages period claimed for and of the Funds.

11. The Parties agree that Plaintiff expressly preserves the right to seek damages for the Funds against defendant RIMCo for the period beginning one year prior to the filing of the complaint in *McClure I* through the date of the final judgment in *McClure I*, and to seek damages for the Funds against RFSC, for the period beginning one year prior to the filing of the complaint in *McClure II* through the date of final judgment in *McClure II*.

12. In view of the common issues of law and fact involved in *McClure I* and *McClure II*, subject to the Court's approval, the Parties agree that the two actions should be assigned to the same judge and consolidated.

WHEREFORE, the Parties jointly request that the Court consolidate the two separate actions for all purposes.

DATED: March 6, 2015

Respectfully submitted,

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/s/ Edward B. Gerard

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2015 this document was filed through the Court's CM/ECF system and will be sent electronically to the registered participants identified in the Notice of Electronic Filing (NEF).

/s/ Edward B. Gerard

EDWARD B. GERARD